

DRAWING AMENDMENTS

Enclosed is a Replacement Sheet revising Figure 3 of the drawings.

REMARKS

Applicant has carefully reviewed the Official Action dated May 1, 2009 for the above identified patent application.

At page 2, paragraph 3 of the Official Action, the Examiner has objected to the Specification on the grounds that element 14 is described as an attachment lug at page 2, line 20 of the Specification, and as an inner surface at page 2, line 27 of the Specification. Applicant notes that it is element "24" and not "14" which is referred to as both an attachment lug and an inner surface. In any event, the Specification has been revised at page 2, line 27 to refer to the inner surface by reference number "25" and not "24".

At page 2, paragraph 4 of the Official Action, the drawings have been objected to on the grounds that reference numeral "24" has been used to designate an attachment lug in Figures 1 and 2, and an inner surface in Figure 3. The drawings have been revised to refer to the inner surface illustrated in Figure 3 as reference numeral "25" and not "24". The revision to Figure 3 is consistent with the revision to page 2, line 27 of the Specification so that the inner surface is consistently referred to and illustrated as reference numeral "25", and not "24".

Applicant respectfully submits that the revisions to the Specification and drawings overcome the objections raised at page 2, paragraphs 3 and 4 of the Official Action.

At page 3, paragraphs 5-9 of the Official Action, the Examiner has raised objections to certain claims as being informal. In response to these objections, Applicant has revised the form of the claims to address the objections raised in the Official Action. Applicant respectfully submits that the form of the claims, as revised herein, overcomes the informalities indicated at page 3, paragraphs 5-9 of the Official Action.

At page 3, paragraph 11 and page 4, paragraphs 12-13 of the Official Action, claims 2 and 9 have been rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. Applicant has revised the form of claims 2 and 9 to overcome the formal grounds of rejection raised in the Official Action. Additionally, although not referred to in the Official Action, Applicant has revised the form of claims 1 and 9 to replace the expression “for example” in the preamble of the respective claims with the term “including”, and has revised claim 9 to correct a typographical error in the spelling of the term “data”.

At page 4, paragraph 15 of the Official Action, independent claims 1 and 9 have been rejected under 35 U.S.C. Section 103(a) as being obvious over a combination of US Patent Number 5,071,184 (Dessaux) and US Patent Number 4,989,652 (Hansson). The Examiner’s basis for the rejection of independent claims 1 and 9 is discussed at paragraphs 16-21 of the Official Action.

At page 8, paragraph 22 of the Official Action, claims 2-8 and 10-20 have been rejected under 35 U.S.C. Section 103(a) as being obvious over the two references applied to reject claims 1 and 9, in further view of US Patent Number 5,988,126 (Strauss et al). The

Examiner's basis for the rejection of claims 2-8 and 10-20 is discussed at paragraphs 23-42 of the Official Action.

Claims 1 and 9 are the only independent claims pending in the present patent application. Therefore, for the purpose of simplifying the issues, the prior art rejection of the claims will be discussed with respect to only independent claims 1 and 9. If these claims are allowable, the remaining dependent claims will be allowable, at least for the same reasons as their respective parent independent claims.

Independent claims 1 and 9 have been revised to more clearly define the nature of the invention disclosed and claimed by Applicant. More specifically, independent claims 1 and 9 positively recite the features of the invention in which the position of a rotor relative to its stator is determined, and the extent of rotation of the rotor relative to the stator is limited based upon the determined relative position of the rotor relative to the stator for limiting the twisting of attached hoses and cables to prevent damage thereto. The revisions to independent claims 1 and 9 are supported by the original disclosure, as for example, at page 4, lines 8-18; page 1, lines 6-13; and the original Abstract of the Disclosure.

Independent claims 1 and 9 have been rejected as being obvious over a combination of Dessaux and Hansson. The Dessaux patent has been applied as disclosing a relative position sensor designated by reference 40, which senses the position of a rotatable grappling element designated by reference numeral 15 relative to a pulley block body designated by reference numeral 11. The Official Action contends that element 11 of Dessaux is a stator, and that

element 15 is a rotor. Assuming arguendo that element 11 is a stator, element 15 is a rotor, and element 40 senses the position of the rotor 15 relative to the stator 11, the Dessaux patent nonetheless fails to teach or suggest the apparatus and method defined by independent claims 1 and 9, when all positively recited features of the claims are considered.

More specifically, independent claim 1 expressly recites a device in which means are provided for determining the position of a rotor relative to a stator; and limiting the extent of rotation of the rotor relative to the stator, based upon the determined relative position for limiting the twisting of attached hoses and cables. Applicant respectfully submits that the Dessaux patent fails to teach or disclose means for limiting the extent of rotation of the rotor relative to the stator, based upon the determined relative position of the rotor and the stator, for limiting the twisting of attached hoses and cables.

The Hansson patent has been applied in combination with Dessaux, as illustrating a hydraulically driven rotator (page 7, paragraph 19 of the Official Action). However, Hansson fails to teach or suggest means for determining the relative position of a rotor and a stator, and limiting the extent of rotation of the rotor relative to the stator based upon the determined relative position, to limit the twisting of attached hoses and cables. On the contrary, Hansson is directed to avoiding damage of hoses occurring from operating conditions other than twisting, and seeks to avoid the damage to hoses in a manner completely different from that disclosed and claimed by Applicant (see column 1, line 22 through column 2, line 8 of the Hansson Specification).

Accordingly, neither of the two references apply to reject independent claims 1 and 9 teaches or suggests using a determined relative position between a rotor and a stator for limiting the extent of rotation of the rotor relative to the stator for the purpose of limiting excessive twisting of attached hoses and cables.

Applicant respectfully submits that independent claims 1 and 9 are not taught or suggested by either the Dessaux or Hansson patents, or a combination thereof, when all positively recited features of the two independent claims are considered in the patentability determination. As noted above, neither of the two applied references teaches or suggests a significant feature of the invention disclosed by Applicant, and expressly recited in independent claims 1 and 9.

Applicant respectfully submits that independent claims 1 and 9 are in condition for allowance. The remaining dependent claims 2-8 and 10-20, which depend directly or indirectly from one of the two independent claims, are allowable, at least for the same reasons as their respective parent independent claims.

Applicant respectfully submits that this patent application is in condition for allowance, and favorable action is respectfully requested.

Enclosed is a petition to extend the time for responding to the outstanding Official Action for three months, through and including November 1, 2009, together with the applicable fee for the requested three month extension.

Respectfully submitted,

Mark P. Stone

A handwritten signature in black ink, appearing to read 'M P Stone', written in a cursive style.

Registration No. 27,954

Attorney for Applicant

50 Broadway

Hawthorne, NY 10532

Telephone No. (914) 769-1106